



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



JENNIFER M. GRANHOLM  
GOVERNOR

THOMAS D. WATKINS, JR.  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION

Memorandum

**TO:** State Board of Education  
**FROM:** Thomas D. Watkins, Jr., *Chairman*  
**DATE:** June 11, 2003  
**SUBJECT:** Report on Administrative Rule Waivers

At its June 19, 1996, meeting the State Board of Education approved the process for waivers of Administrative Rules. Section 1281(3) of The Revised School Code of 1996 took effect on July 1, 1996. This section provides for a limited time waiver of a State Board or Department rule to a school district, public school academy, university school, or intermediate school district for the purpose of serving the intent of the rule in a more effective, efficient, or economical manner or to stimulate improved pupil performance in Michigan schools.

The approved process includes: (1) the ability to file an independent or joint application with responsibility for oversight at each participating local board of education; (2) the necessity to complete a separate application for each rule for which a waiver is being requested; (3) a description of how the district will address the intent of the rule/statute in a more effective, efficient, or economical manner or how the waiver will be implemented to stimulate improved pupil performance; (4) a description of who and how interested parties were notified and involved in the application process; e.g., teachers, parents, community, others; and (5) a plan for addressing issues of local accountability and how the applicant will document that the waiver continues to meet the criteria in the application, does not compromise equal opportunities for learning, and is not detrimental to the educational interests of any pupils, as required by the Act.

Attachment A provides information on the waivers approved by the Superintendent since May 22, 2003, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

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**# 0899-03- OSE/EIS Barry Intermediate School District**

Exemptions: None

Administrative Rule: 340.1738 (b) - Severe cognitive impairment

Waiver Synopsis:

Maintain year-round educational programming on a reduced schedule over the summer months, providing three full days per week of instruction, continuing to meet and exceed the required 1,150 clock hours of instruction, and provide 204 days of instruction in year-round programming.

District Rationale:

- Students and families will have increased time for vacations during the summer.
- Provide students with increased opportunities to apply learned life skills in natural settings.
- Staffing will be easier by providing regular scheduled time off during the summer.
- Transportation savings.

Action:

Approve for a period of one summer, noting that the instructional program will have no breaks greater than two consecutive weeks. Upon completion of the program, the parents/guardians must be surveyed to determine their satisfaction. The results of that survey will be forwarded to the Department of Education to be used in assessing the viability of the model.

Recommended waiver period:

Department approval to the end of 2003 summer education program

**# 0898-03- OSE/EIS Copper Country Intermediate School District**

Exemptions: Arvon Twp., Chassell Twp., Elm River Twp., Grant Twp. S/D #2

Administrative Rule: 340.1738 (b) - Severe cognitive impairment

Waiver Synopsis:

Reduce 50 days x 4 hours/day summer program to 40 days x 4 hours/day while continuing to provide 1,240 hours of instruction. Currently provide 1,080 hours in regular 180-day program plus the 160 suggested in the proposal.

District Rationale:

- Families benefit by having more days during the summer to enjoy long weekends.
- No long breaks from school instruction, Christmas break remaining the longest break of the school year.
- Summer staffing difficulties will be helped.

Action:

Approve for a period of one summer, noting that the instructional program will have no breaks greater than two consecutive weeks. Upon completion of the program, the parents/guardians must be surveyed to determine their satisfaction. The results of that survey will be forwarded to the Department of Education to be used in assessing the viability of the model.

Recommended waiver period:

Department approval to the end of 2003 summer education program